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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,277

04/09/2006

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EXAMINER

RUSH, KAREEN KAY

ART UNIT

PAPER NUMBER

4128

MAIL DATE

DELIVERY MODE

01/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,277	<b>Applicant(s)</b> THADANI, MAHESH	
	<b>Examiner</b> KAREEN RUSH	<b>Art Unit</b> 4128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/09/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Drawing*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "holding strap" or "holding handle" as recited in claim 4, and the "ribs of said Body going inwardly but being vertical" as recited in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: in the third paragraph, within the Detailed Description of the Drawings, located on line 9, the term “perform” is misspelled. It is believed from the context of the surrounding words that the misspelled word should be written as “pre-form”. Appropriate correction is suggested.
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the terms “improved insulation” and “improving impact safety”.

***Claim Objections***

4. Claim 1 is objected to because of the following informalities: the term “cylindric” in line 5 should be changed to --cylindrical--. Appropriate correction is suggested.
5. Claims 4 and 5 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer back in the alternative only. See MPEP § 608.01(n). Accordingly, claims 4 and 5 have not been further treated on the merits.
6. Claim 6 is objected to because of the following informalities: Claim 6 recites “as claimed in claim 1” (line 9), causes some uncertainty as to whether the claim is dependent or independent. For examination purposes it will be treated as a dependent claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

10. Claim 1 recites on line 18-22 "said Body taking alternatively to said Bottle's base to upright body end....width similar to said 12 oz can but taller". This claim as a whole does not apprise one of ordinary skill in the art of its scope.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-3 and 6, as presently understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (5904267) in view of Guridi (5909821).

Regarding claim 1, the Thompson reference discloses a portable, standable, insulated shirt cooler or receptacle (at 1200 of Fig. 12A) enclosing a removable, closure-capped bottle (at 1202). The receptacle, as schematically shown in Fig. 12A, comprises a single walled (about 1210), cylindrical, hollow, first end open (about 1215), second end closed (about 1280), outer formed body (constituted by the outer portion of

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the receptacle seen in Fig. 12A), united with a hollow, single walled, shorter cover or upper cup (about 1220), the bottle (at 1202) being a narrow neck threaded bottle closed with a cap (see Fig. 12B), the bottle being stored in a standing, base resting, body mostly spaced apart, top kept down by the cup (see Fig. 12A). Also, as schematically shown in Fig. 12A, the bottle is being restricted of a horizontal movement, and the bottle's maximum external width is inherently less than the internal widths of the outer body and the upper cup. The Thompson reference also discloses that the receptacle is capable of being used with any size bottle or can including a 12 oz bottle or can (col. 9, lines 30-32). The Thompson reference DIFFERS in that it does not specifically include a fully opaque or fully clear receptacle as claimed. Attention, however, is directed to the Guridi reference which discloses another insulated sleeve or receptacle (10) for enclosing a beverage bottle. The receptacle is formed of a clear vinyl or plastic material (col. 5, lines 53-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Thompson reference by employing a receptacle made from a clear vinyl or plastic material, in view of the teaching of Guridi, in order to allow the user to check the level of the fluid remained.

Regarding claim 2, wherein the body is a longer body and the upper up has a shorter body (see Fig. 12A of Thompson). The body and cup have adapted threads (about 1215) on their open ends for mating, wherein the mating of the body and the upper cup ensures that the bottle is being kept down. As schematically shown in Fig. 12A of Thompson, the receptacle's inner is mostly spaced apart from the bottle.

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Regarding claim 3, schematically the bottle (1202 of Fig. 12A of Thompson) has a narrow, open, neck portion with widening shoulders (about 1220). The body of the bottle has horizontal, outward ribs (about 1215) and the base of the bottle is closed (about 1280). Visually, the bottle is sized in order for it to be stored securely within the cooler (1202). The ribs of the body portion are inside the longer body part of the receptacle (about 1215). Additionally, the shoulder and neck of the bottle will be inside the cover or upper cup of the cooler (about 1220).

Regarding claim 6, as schematically shown in Fig. 12A of Thompson, the bottle has horizontal ribs (about 1215). An air jacket is located around the stored bottle (about 1202).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Moreira reference discloses a plastic container that takes the shape of a cylindrical plastic bottle. The Marsh reference discloses a vessel being a cylindrical apparatus. The Heiberger reference discloses a thermally insulated bottle having a container body that includes an inner body. The Staake reference discloses a container having a cover. The Rudland reference discloses a closure device for a beverage can. The Sabathiel reference discloses a container and a closure cap.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREEN RUSH whose telephone number is (571)270-5611. The examiner can normally be reached on Monday-Friday (8:00 am - 5:00 pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoa Huynh can be reached on (571)272-4888. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Khoa D. Huynh/  
Supervisory Patent Examiner, Art Unit 4128